

**Wiltshire Council**

**Full Council**

**24 February 2015**

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**Review of Part 3 of the Constitution - Area Board Election of Chairs and Cabinet Member Representation**

**Purpose**

1. To consider recommended changes to Part 3 of the Constitution from the Standards Committee following a request from Full Council to review sections on the election of Chairmen to Area Boards and Cabinet Member representation on Area Boards.

**Background**

2. At Full Council on 29 July 2014 it was resolved to adopt a revised Part 3 of the Constitution - Responsibility for Functions and Schemes of Delegation - but that several paragraphs in relation to Area Boards be reviewed and brought back for approval at a later date, as identified during a briefing for councillors on the proposed constitutional changes held the preceding week.
3. The paragraphs in question were paragraph 4.9 (including all sub-paragraphs) in relation to the election of a Chairman, and paragraph 4.10 in relation to the attendance of Cabinet Members to Area Boards to which they were not standing members in their own right.
4. The current paragraphs 4.9 and 4.10 are as follows:

*4.9 The chairman and vice-chairman of an area board will be appointed at the first meeting of an area board, which takes place after the annual meeting of the Council, by the unitary councillors on each area board, except in an election year where after the first meeting of Full Council a special meeting of each area board will take place to appoint a chairman and a vice-chairman.*

*4.9.1 The outgoing chairman unless he or she is seeking re-election will preside over the election. If the chairman is seeking re-election, the vice-chairman will preside.*

*4.9.2 The person presiding will call for nominations for the position of chairman of the area board. A councillor's nomination must be seconded to be valid. A councillor shall not be nominated in his/her absence without their written consent.*

- 4.9.3 *In the event of only one valid nomination being received the person presiding will declare the nominated councillor elected.*
- 4.9.4 *In the case of two valid nominations the Chairman will ask for a show of hands from those councillors in favour of each councillor and declare the candidate receiving the majority of votes of the councillors present and voting, to be the winner.*
- 4.9.5 *In the case of an equality of votes for the two candidates, the person presiding may exercise his or her right to use a casting vote to determine the winner of the election and then declare the result.*
- 4.9.6 *In the case of three or more valid nominations being made, the person presiding will call for a show of hands for each of the candidates. The person presiding will then announce the candidate with the least number of votes and that candidate will be eliminated (in the case of a tie for the least number of votes, the person presiding may exercise his or her right to use a casting vote to determine which candidate to be eliminated). A further vote shall be taken for the remaining candidates and after each vote the candidate with the least number of votes shall be eliminated until only two candidates remain and a final vote taken.*
- 4.9.7 *The newly elected Chairman of the Area Board shall then preside over the election of the Vice Chairman in the manner described above.*
- 4.9.8 *With the exception of an election year, the chairman and vice-chairman of an area board shall remain in post until their successors are appointed.*
- 4.10 *A member of Wiltshire Council's Cabinet will attend those area boards which do not have a Cabinet member as a standing member of the area board. Cabinet members attending the area board will not have voting rights. For the avoidance of doubt a Cabinet member is entitled to vote as a standing member of the area board in which their electoral division is located.*

## **Main Consideration**

5. The Constitution Focus Group considered the request and recommended to Standards that the process should be kept as simple as possible and therefore determined that the Democratic Services Officer present should preside over the election in each year, drawing lots in the event of an equality of votes.
6. Regarding Cabinet Member representation on Area Boards, the Standards Committee accepted the reasoning of the Constitution Focus Group and considered the rules should be amended to clarify that a Cabinet Member

would attend an area board meeting upon request reflecting current practice as well as the commitment of Cabinet Members to attend if so requested.

### **Recommendation**

- 7. To adopt the proposed amendments to Part 3 of the Constitution as contained at appendix 1:**

**Ian Gibbons, Associate Director, Legal and Governance, and Monitoring Officer**

**9 February 2015**

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Report Author: Kieran Elliott, Senior Democratic Services Officer

Background Papers: None

Appendix 1 - Tracked Changes to Part 3

## Appendix 1 - Part 3 Tracked Changes

4.9 The chairman and vice-chairman of an area board will be appointed at the first meeting of an area board, which takes place after the annual meeting of the Council, by the unitary councillors on each area board, except in an election year where after the first meeting of Full Council a special meeting of each area board will take place to appoint a chairman and a vice-chairman.

~~The outgoing chairman unless he or she is seeking re-election will preside over the election. If the chairman is seeking re-election, the vice-chairman will preside.~~

4.9.1 The ~~person presiding~~Democratic Services representative will call for nominations for the position of chairman of the area board. A councillor's nomination must be seconded to be valid. A councillor shall not be nominated in his/her absence without their written consent.

4.9.2 In the event of only one valid nomination being received the person presiding will declare the nominated councillor elected.

4.9.3 In the case of two valid nominations the ~~Chairman~~Democratic Services representative will ask for a show of hands from those councillors in favour of each councillor and declare the candidate receiving the majority of votes of the councillors present and voting, to be the winner.

4.9.4 In the case of an equality of votes for the two candidates, the ~~person presiding may~~Democratic Services representative shall exercise his or her right to use a casting vote~~draw lots~~ to determine the winner of the election and then declare the result.

4.9.5 In the case of three or more valid nominations being made, the ~~person presiding~~Democratic Services Representative will call for a show of hands for each of the candidates. The ~~person presiding~~Democratic Services representative will then announce the candidate with the least number of votes and that candidate will be eliminated (in the case of a tie for the least number of votes, the ~~person presiding may~~Democratic Services representative shall exercise his or her right to use a casting vote~~draw lots~~ to determine which candidate to be eliminated). A further vote shall be taken for the remaining candidates and after each vote the candidate with the least number of votes shall be eliminated until only two candidates remain and a final vote taken.

4.9.6 The newly elected Chairman of the Area Board shall then preside over the election of the Vice Chairman in the manner described

above with the ability to use a casting vote in the event of an equality of votes.

4.9.7 With the exception of an election year, the chairman and vice-chairman of an area board shall remain in post until their successors are appointed.

4.10 A member of Wiltshire Council's Cabinet will attend upon request those area boards which do not have a Cabinet member as a standing member of the area board. Cabinet members attending the area board will not have voting rights. For the avoidance of doubt a Cabinet member is entitled to vote as a standing member of the area board in which their electoral division is located.